

### **REMARKS**

Upon entry of the present amendment, Claims 1-3, 5-11, 13, and 16-21 remain in the application. Claims 4, 12, 14 and 15 have been cancelled.

The above-identified Office Action has been reviewed and the references carefully considered. In view thereof, the present Amendment is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action are traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

At the outset, it is to be noted that the present invention is related to a simplified method for forming various dispersion strengthened copper products and, in particular, electrodes wherein cold forming and/or semi-solid molding is used thereby obviating multiple steps heretofore required in the prior art. For the reasons pointed out hereinbelow, it is submitted that the rejection is in error and should be withdrawn.

Specifically, and turning to the rejections, the Examiner initially rejects Claims 1-7 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,004,498 to *Shimamura* reference of record.

In order to anticipate an invention it is a prerequisite that each and every element of the invention, as claimed, be shown by the alleged anticipating reference. All the reference discloses is the potential of "plastic deformation" with regard to cold forming. The reference does teach equivalency, at Column 8, Lines 25-30, of a secondary process and/or a thermal treatment, and plastic deformation or machining. This is exactly the type of process which the present invention seeks to improve upon. There is no subsequent machining. Nor is there a subsequent thermal

treatment after the pre-form is made. Rather, there is either cold forming into the final net shape or semi-solid molding into the final shape. Thus, it is believed that *Shimamura* does not anticipate the claims for its failure to teach this. Accordingly, it is respectfully requested that the rejection be withdrawn.

Next, Claims 8-14 and 17 are rejected under 35 U.S.C. 103(a) over *Shimamura* and further in view of *Nadkarni*. While *Nadkarni* discloses the sintering of a copper alloy and the pressures for densifying to theoretical densities, it is submitted that this reference does not provide the deficiencies to *Shimamura* that would be prerequisite to negate patentability. Specifically, while *Nadkarni* relates to dispersion strengthening of copper and recited densities, it still does not teach the subsequent step of forming the final net shape product by either cold forming or semi-solid molding. Rather, the reference teaches that the alloy can be made. It does not teach its further processing into the final net shape by any process, be it the cold forming or the semi-solid molding as required herein. Thus, it is believed that the rejection is in error and withdrawal thereof is respectfully requested.

Next, Claims 15-16, and 19-20 are rejected under the same references, in the same manner cited above, and further in view of *Kato*, reference of record. It is the Examiner's contention that *Kato* discloses forming metallic particle feed material in an injection molding machine and its use in thixo-molding. Applicant respectfully traverses this rejection and requests withdrawal thereof. It is submitted that the Examiner, in postulating this rejection is assembling a mosaic of references in order to negate patentability. Without the interposition of the present disclosure, there is simply no suggestion in the art to combine their teachings.

It is axiomatic that in order to combine references that the suggestion for the

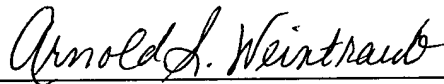
combination of same must be derived from the references themselves. None of the references even remotely hint at taking their respective teachings or portions of their respective teachings and combine same. Indeed, the same argument applies equally to the rejection of Claim 18 which further cites the *Prucher* reference. Nothing in the art teaches the formation of an electrode by the process defined herein. While *Shimamura* discusses a high resistance wire welding electrode, nothing in the art teaches the subject matter of Claim 18 absent the use of the present disclosure. *Prucher* in no manner teaches electrode formation by the present process. Furthermore, only the present disclosure teaches the use of silver in the pre-form and thixo-molding to form an electrode. While *Prucher* appreciates the utilization of silver, nothing in the art even remotely hints at the steps of Claim 18 as well as those of Claim 15-16 and 19-20 without using the present disclosure for reconstructive hindsight. Thus, it is respectfully requested that the rejection of these claims be withdrawn.

### CONCLUSION

It is respectfully submitted that by this Amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. The claims have been amended and suitable arguments have been advanced to establish the patentability of the present subject matter and, therefore, an indication of same, absent more pertinent art is respectfully requested.

If the Examiner feels that the prosecution of this application can be expedited then the Examiner is courteously requested to initiate a telephone call to Applicant's attorney at the number listed below.

Respectfully submitted,



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